

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14380, as amended, of the Vermont Avenue Baptist Church, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and from the requirements that a penthouse shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located (Paragraph 3201.26b)) for a proposed addition to an existing church, a nonconforming structure, in a R-4 District at premises 1630 Vermont Avenue, N.W., (Square 277, Lot 48).

HEARING DATES: January 15, 1986, April 16, 1986 and
October 8, 1986

DECISION DATE: October 8, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The application had been scheduled for a public hearing on January 15, 1986 and April 16, 1986. On both occasions the Chair granted continuances. It was anticipated that the plans submitted originally would be modified.

2. The plans as submitted originally requested two additional variances, a variance from the rear yard requirements and from the number of stories.

3. The site is located on the west side of Vermont Avenue between Q and R Streets and is known as premises 1630 Vermont Avenue, N.W. The site is located in a R-4 District.

4. The site contains 9,429.18 square feet of land area. It is improved with the Vermont Avenue Baptist Church sanctuary educational building, and six row dwellings in the R-4 District.

5. The site abuts ten and sixteen foot wide alleys to its north and east respectively. The site is located two blocks north of Logan Circle in the R-4 District. The neighborhood near the site consists of row dwellings and apartment houses. There is a grocery store (nonconforming use) to the north of the church property. The nearest commercially zoned property (C-2-A) to the site is located one block to the east along 11th Street. Metropolitan Baptist Church is located one block to the northwest across R Street in the R-4 District.

6. Vermont Avenue Baptist Church has occupied its present site shortly after it was organized in 1866, one hundred and twenty years ago. The current building was built in 1872, replacing a frame structure which was built shortly after the organization of the Church. In the Church's one hundred and twenty years, there have been only five pastors. The current Pastor, Rev. John R. Wheeler has been at the Church's helm for seventeen years.

7. The applicant is requesting BZA relief to construct a three story addition to its existing church complex. The expanded facility will house a non-commercial bowling alley which will be opened for community use at no charge once a week, a Golden Age Center which will provide programs for senior citizens who wish to come on a daily basis; a program to provide vocational skills to community youth, expanded kitchen facilities and more multipurpose space to be used as meeting facilities, for banquets and other similar activities for the parishioners primarily and on special occasions for the use of the community. The architectural plans and drawings provide for functional use of space and incorporates an exterior design which blends well with the Church's existing extension building. The design is not out of harmony with the surrounding neighborhood.

8. The Zoning Regulations allow the applicant to develop 60 percent of his lot. The applicant's plans deviate from this requirement by 3,992.34 square feet (22.6 percent). The variance request is caused by a unique situation affecting the subject property. The subject site is made up of a composite of several small lots subdivided into one. This composite results in an irregularly shaped lot which represents practical difficulty in its development. In an effort to reduce the amount of variance needed, the applicant purchased two abutting lots to broaden the development envelope to facilitate the church's program needs. The variance request will not adversely impact on the surrounding properties. The proposed development complies with the side and rear yard (22.07 feet, average for the addition) requirements so as not to affect the light and air of its neighbors.

9. The Zoning Regulations require that penthouse walls be set back from all exterior walls. In the case of the subject building, the front (Vermont Avenue) penthouse wall is located flush with the face of the building rather than setback a required 14 feet, therefore requiring a variance. The variance relief is created by several conditions relating to the property, design and fire code considerations. As previously discussed, the subject site is irregularly shaped. This situation dictates to a large extent how the building will function internally (i.e., stair placement). In addition, the fire code requires that stair shafts be adequately spaced so as to facilitate emergency evacuation in an efficient manner. The location

of the front wall stair is in strict consideration of this requirement. The penthouse wall extends the full length of the Vermont Avenue facade of the addition. The length and height of this wall serve to pull together the far corner (penthouse location) of the addition and the existing structure in a manner which will unify the architectural similarities of each.

10. The church had a traffic analysis conducted which addressed the issues of parking and traffic flow resulting from the planned expansion. The analysis concluded that no additional adverse situation will result from the expansion of the facility. There are 13 parking spaces on the site. The church owns a parking lot, across the street from the existing structure, on the east side of 12th Street. There is space for 57 cars on the lot, a size that is adequate to meet current, as well as anticipated future, needs. The church owns a large bus and two station wagons, which are used for transporting parishioners. Use is also made extensively of the Metrobuses, and many members walk from their homes in the neighborhood. There are six Metrobus lines that provide service for churchgoers: the P1 and P2 lines on Vermont Avenue, the P7 line on 13th Street, the G2 line on P Street, and the G4 and G6 lines on Rhode Island Avenue.

11. On Sundays, there are two church services. At the larger of these services, there are typically 1000 worshippers in attendance. It is not expected that there would be a greater number of people at any of the receptions in the proposed addition than now attend Sunday services. The Board concurs with the traffic report.

12. The expansion will require the relocation of several families living in two or three of the row houses which will be razed to make room for the expansion. The other houses are vacant and boarded up. The Church is seeking available housing in the City for those families that fail to find housing on their own and will provide relocation assistance to them as well. It should also be noted that after the Church's expansion is completed, the Church plans to construct multi-family housing units on other property it owns in the neighborhood. The families who have to relocate because of the present project will have priority in obtaining housing in the new units. (Exhibit 38 of the record.

13. The Office of Planning (OP) by report dated October 1, 1986 recommended approval of the application provided it is established that the Board is satisfied with the applicant's plan for the relocation of the tenants whose dwellings will be razed and that the proposed bowling alley and coffee shop will be operated so as to distinguish their use from commercial businesses prohibited in a R-4 District. The OP reported that there were exceptional conditions

relating to the subject property which supported a finding of practical difficulty in strictly complying with the roof structure and lot occupancy provisions of the Zoning Regulations. The OP was of the opinion that the applicant's design approach to the penthouse would not substantially impair the intent of the Zoning Regulations nor be a detriment to the surrounding properties from an aesthetic viewpoint. The Board concurs with the OP recommendation.

14. Advisory Neighborhood Commission 2C, by reported dated September 26, 1986, recommended that the application be approved. The ANC reported that it was made aware of the fact that the expansion would provide for a non-commercial bowling alley, the establishment of a program for senior citizens through a proposed Golden Age Center, the establishment of a youth center for the purpose of teaching job skills and for recreational activities. The Church's representatives also assured ANC of community utilization of some of the expanded Church facilities, upon conditions which are still to be arranged. The ANC reported that the Church has continued to advise their office of updates and modifications to their plans. The Board concurs with the ANC recommendation.

15. The Logan Circle Community Association, by letter dated September 22, 1986, recommended approval of its application. It reported that it had reviewed the plans and was of the opinion that the variances were reasonable and would enhance the church's ability to serve its membership and the community at large.

16. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant has met its burden of proof. The practical difficulty is inherent in the land because of its physical conditions as to shape and size as found in Findings No. 12 and 13. The Board notes the approval of the ANC and the lack of opposition.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. The Board concludes that it has accorded to

the ANC the "great weight" to which it is entitled by statute.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 26 of the record.

VOTE: 5-0 (Maybelle T. Bennett, Paula L. Jewell,
Charles R. Norris, William F. McIntosh,
Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 17 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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